

78B-7-116. Full faith and credit for foreign protection orders.

(1) A foreign protection order is enforceable in this state as provided in Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

(2) (a) A person entitled to protection under a foreign protection order may file the order in any district court by filing with the court a certified copy of the order. A filing fee may not be required.

(b) The person filing the foreign protection order shall swear under oath in an affidavit, that to the best of the person's knowledge the order is presently in effect as written and the respondent was personally served with a copy of the order.

(c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the Administrative Office of the Courts, consistent with its responsibilities to develop and adopt forms under Section 78B-7-105.

(d) The court where a foreign protection order is filed shall transmit a copy of the order to the statewide domestic violence network described in Section 78B-7-113.

(e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protection order available.

(f) After a foreign protection order is filed, the district court shall furnish a certified copy of the order to the person who filed the order.

(g) A filed foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the statewide domestic violence network described in Section 78B-7-113.

(3) Law enforcement personnel may:

(a) rely upon a certified copy of any foreign protection order which has been provided to the peace officer by any source;

(b) rely on the statement of the person protected by the order that the order is in effect and the respondent was personally served with a copy of the order; or

(c) consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(4) A violation in Utah of a foreign protection order is subject to the same penalties as the violation of a protective order issued in Utah.

Renumbered and Amended by Chapter 3, 2008 General Session